

REMARKS/ARGUMENTS

Claims 1-20 are pending.

The Examiner objected to the drawings stating that the "master fixed orifice" must be shown. Page 10, lines 19-22, of the application describes a fixed orifice 332 on the master leg in FIG. 3. This is the "master fixed orifice". For this reason, the "master fixed orifice" is shown in the drawings.

The Examiner provisionally rejected claims 1-18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of copending Application No. 10/318,612. The Examiner noted that a terminal disclaimer was filed on July 27, 2005 and that the Examiner was waiting for TC1700 Legal Instrument Examiners to consider the document.

The Examiner rejected claims 1-3, 17, 19, and 20 under 35 U.S.C. 102(b) as being anticipated by Motoda; Takashi et al. (US 5,496,408 A). Motoda; Takashi et al. does not disclose a master fixed orifice and a first slave leg fixed orifice. The attached declaration states that "fixed orifice" is a term of art that does not include a "pipe" as asserted by the Examiner. Although, all pipes have an "orifice" as asserted by the Examiner, they do not have a "fixed orifice" as used as a term of art. Instead, the declaration states that pipes act as a tube restrictor. For at least these reasons, claim 1 is not anticipated by Motoda; Takashi et al.

The Examiner rejected claims 4-7, 9, 10, 12, and 15 under 35 U.S.C. 103(a) as being unpatentable over Motoda; Takashi et al and in further view of Shinozuka; Shyuhei et al. (US 6,315,858).

The Examiner rejected claims 8, 11, 13, 14, 17, and 18 under 35 U.S.C. 103(a) as being unpatentable over Motoda; Takashi et al and Shinozuka; Shyuhei et al. in view of Ohmi; Tadaihiro et al. (US 5,313,982).

Claim 18 recites that the fixed orifice is a flat plate fixed orifice. Page 29, lines 5-16, and FIG. 19 of the present application define and illustrate a flat plate fixed orifice as being a tube 1904 with a flat plate 1980 with a fixed aperture placed across the diameter of the tube to define the orifice area. The Examiner stated that Shinozuka teaches a flat plate fixed orifice (39,

Figures 5, 6). Col. 7, lines 21-25, of Shinozuka states that device 39 is an iris device 39 (nozzle aperture varying device) that is that is operated by a motor. The attached declaration states that this iris device is not a fixed orifice. In addition, the declaration further states that it would not be obvious to use the iris in Motoda, because the sliding of the plates would create contaminants, which are not desirable in the device of Motoda. Ohmi, Tadahihiro does not remedy these deficiencies. For at least these reasons claim 18 is not made obvious by Motoda; Takashi et al and Shinozuka; Shyuhei et al. in view of Ohmi; Tadahihiro et al. (US 5,313,982).

Dependent claims 2-17 and 19-20 are also patentably distinct from the cited references for at least the same reasons as those recited above for the independent claim, upon which they ultimately depend. These dependent claims recite additional limitations that further distinguish these dependent claims from the cited references.

For example, claims 8 and 13-14 further recite a zone selection device connected to the master leg down stream from the master fixed orifice. The Examiner stated that the motivation for combining Motoda and Shinozuka and Ohmi is taught by Shinozuka's "monoblock valves" (col. 9, lines 5-10). It would not be obvious to combine the teachings of Shinozuka with Motoda. Shinozuka is for a gas polishing system and uses a movable iris, which causes contaminants, see abstract. The Examiner failed to point out anything in the cited references that teaches that the monoblock for minimizing "dead zones" in Motoda or Shinozuka would be desirable.

In addition, claims 9-12 and 15 further recite that the fixed orifices are fixed plate orifices. As discussed above, page 29, lines 5-16, and FIG. 19 of the present application define and illustrate a flat orifice as being a tube 1904 with a flat plate 1980 with a fixed aperture placed across the diameter of the tube to define the orifice area. The Examiner failed to point out anything in the cited references that teaches this. The attached declaration states that the pipe in Motoda and the movable iris in Shinozuka are not fixed orifices, and therefore not fixed plate orifices.

Claims 19 and 20 are dependent on claims 18 and 1, respectively, and further recite a joining manifold for combining output from the first slave leg, the second slave leg, and the third slave leg connected between the first slave leg, the second slave leg, the third slave leg and a zone of the at least two zones of the process chamber. The Examiner cites 28, in FIG. 7 of Motoda as teaching joining manifold. Col. 6, lines 20-24, of Motoda, states that element 28 is a

mesh, which is not a joining manifold. For at least these reasons the dependent claims are not anticipated or made obvious by the cited references.

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at telephone number (650) 961-8300.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Michael Lee", with a stylized flourish at the end.

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